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October 22, 2004

VIA HAND DELIVERY

Chairman Pat Miller
c/o Sharla Dillon, Docket Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

***Re: Rulemaking for the Purpose of Implementing Toll-Free County Wide
Calling Rules, Docket No. 04-00205.***

Dear Chairman Miller:

Enclosed please find the original and thirteen (13) copies of Comments filed on behalf of the Tennessee Rural Coalition.

Should you have any questions concerning this filing, please do not hesitate to contact me.

Thanking you in advance for your assistance with this matter, I am

Very truly yours,



R. Dale Grimes

RDG/tn
Enclosures

cc: J. Richard Collier, Esq.
Mr. Bruce H. Mottern

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)
)
RULEMAKING FOR THE PURPOSE) **Docket No. 04-00205**
OF IMPLEMENTING TOLL-FREE)
COUNTY WIDE CALLING RULES)

**COMMENTS OF TENNESSEE RURAL COALITION
ON PROPOSED TRA RULE 1220-4-12**

I. INTRODUCTION

The Tennessee Rural Coalition¹ (Coalition) respectfully submits these comments in the matter of Proposed Rule Chapter 1220-4-12, Telecommunications Rule Implementing Toll-Free County Wide Calling. In the September 3, 2004 Notice of Rulemaking, the Tennessee Regulatory Authority ("TRA") proposed rule amendments for all Telecommunications Service Providers. The Tennessee Rural Coalition generally supports this rulemaking, but offers these comments in an effort to highlight details to clarify, strengthen, and ensure conformance with the proposed rule.

II. SPECIFIC COMMENTS

A. General -- "Scope and Purpose of Rule" (1220-4-12-.02(1)). As set forth in draft rule 1220-4-12-.02 (1) ("Scope and Purpose of Rule"):

It is established that there is a public need that all landline calls originating and terminating physically within the same Tennessee County to not be assessed toll charges. This public interest need mandates that all telecommunications service providers including but not limited to ILECs, CLECs, IXCs, Resellers and

¹ The Tennessee Rural Coalition includes Ardmore Telephone Company, Ben Lomand Telephone Cooperative, Bledsoe Telephone Cooperative, Century Telephone of Adamsville, Century Telephone of Claiborne, Century Telephone of Ooltewah-Collegedale, Concord Telephone Exchange, Crockett Telephone Company, Dekalb Telephone Cooperative, Highland Telephone Cooperative, Humphreys County Telephone Company, Loretto Telephone Company, Millington Telephone Company, North Central Telephone Cooperative, Peoples Telephone Company, United Telephone Company, Tellico Telephone Company, Tennessee Telephone Company, Twin Lakes Telephone Cooperative, West Tennessee Telephone Company, and Yorkville Telephone Cooperative

Telephone Cooperatives are not bill for such calls when the call is transported over landline facilities.

The Coalition supports the public interest and the TRA statement in implementing toll free county wide calling.

B. Exclusion of Virtual NXX's -- "Scope and Purpose of Rule" (1220-4-12-.02).

The Coalition agrees with the statement contained in the Scope and Purpose section that "all landline calls originating and terminating *physically* within the same Tennessee County to not be assessed toll charges." (Emphasis added.) In order to clearly implement this statement of purpose, the Coalition believes that a definition and exclusion of calls involving virtual NXXs should be included in the proposed rule because such NXXs are not physically located in the same county where the call physically originates or terminates. The proposed exclusion would be added as a separate subsection of 1220-4-12-.02 as follows:

This Chapter is not applicable to calls originating from or terminating to a virtual NXX.

In addition, Virtual NXXs should be included in the definitions section, 1220-4-12-.01 as follows:

Virtual NXX – NXX codes that are central office codes that correspond with a particular geographic area that are assigned to a customer located in a different geographic area.

C. Reciprocal Compensation and Transit Fees -- "Access Charges Prohibited" (1220-4-12-.05). The proposed rule prohibits a telecommunications provider from charging access charges for intra-county calls. The Coalition is also concerned about reciprocal compensation and transit fees that might be assessed to a carrier when a customer makes an

intra-county call transported over wireline facilities. In that case, the Coalition member would not charge the customer but would incur costs in the provision of county-wide calling. Therefore reciprocal compensation and transit fees should not apply to calls transported over landline facilities. Accordingly, the Coalition requests this section be modified as follows:

1220-4-12-.05 Charges Prohibited

(1) No provider of telecommunications services shall bill or collect access charges, reciprocal compensation, or transit fees from another provider for the origination or termination of an intra-county call.

D. Excluded Services -- Scope and Purpose (1220-4-12-.02(2)). The Coalition members identify other services in their county wide calling tariffs such as: Payphone, Outward Wide Area telecommunications Service (WATS) and 800 Service, Foreign Exchange, and Remote Call Forwarding. These services have been excluded since the inception from county wide calling due to the inability to identify the physical location of the originating and terminating number. Accordingly, subsection 1220-4-12-.02(2) should be modified to list those services, as follows:

This Chapter is not applicable to county-wide calls from wireless telephone service providers or from public payphone service, outward wide area telecommunications service (WATS) and 800 service, foreign exchange, and remote call forwarding.

E. Term of TAR Database Administrator -- "Database Administration" (1220-4-12-.04(1)). The Coalition believes a term of five (5) years is a reasonable time period.

F. Strict Construction of Penalties -- "Penalty Provision" (1220-4-12-.06 (2)). The proposed rule contains a provision requiring the "calculation" of violations in a liberal manner.

The Coalition is unclear as to what this means. In addition, in keeping with general legal principles, the Coalition believes that penalty provisions should be specific, determinable, and subject to strict construction.

III. CONCLUSION

The Coalition appreciates having the opportunity to provide these comments on the proposed County Wide Calling rules.

Respectfully submitted,



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